

113TH CONGRESS  
1ST SESSION

# H. R. 2206

To provide enhanced protections for prospective members and new members of the Armed Forces during entry-level processing and training.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 23, 2013

Mr. TURNER (for himself and Mr. HECK of Nevada) introduced the following bill; which was referred to the Committee on Armed Services

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## A BILL

To provide enhanced protections for prospective members and new members of the Armed Forces during entry-level processing and training.

1       *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “No Tolerance Act”.

1     **SEC. 2. ENHANCED PROTECTIONS FOR PROSPECTIVE MEM-**  
2                 **BERS AND NEW MEMBERS OF THE ARMED**  
3                 **FORCES DURING ENTRY-LEVEL PROCESSING**  
4                 **AND TRAINING.**

5         (a) DEFINING INAPPROPRIATE AND PROHIBITED RE-  
6     LATIONSHIPS, COMMUNICATION, CONDUCT, AND CONTACT  
7     BETWEEN CERTAIN MEMBERS.—

8                 (1) POLICY REQUIRED.—The Secretary of De-  
9     fense and the Secretary of the Department in which  
10    the Coast Guard is operating shall establish and  
11    maintain a policy to uniformly define and prescribe,  
12    for the persons described in paragraph (2), what  
13    constitutes an inappropriate and prohibited relation-  
14    ship, communication, conduct, or contact, including  
15    when such an action is consensual, between a mem-  
16    ber of the Armed Forces described in paragraph  
17    (2)(A) and a prospective member or member of the  
18    Armed Forces described in paragraph (2)(B).

19                 (2) COVERED MEMBERS.—The policy required  
20    by paragraph (1) shall apply to—

21                 (A) a member of the Armed Forces who is  
22    superior in rank to, exercises authority or con-  
23    trol over, or supervises a person described in  
24    subparagraph (B) during the entry-level proc-  
25    essing or training of the person; and

(B) a prospective member of the Armed Forces or a member of the Armed Forces undergoing entry-level processing or training.

15 (C) at an entry-level training facility or  
16 school of an Armed Force.

17       (b) EFFECT OF VIOLATIONS.—A member of the  
18 Armed Forces who violates the policy established pursuant  
19 to subsection (a) shall be subject to prosecution under the  
20 Uniform Code of Military Justice.

21 (c) PROCESSING FOR ADMINISTRATIVE SEPARA-  
22 TION.—

23                         (1) IN GENERAL.—(A) The Secretary of De-  
24                         fense and the Secretary of the Department in which  
25                         the Coast Guard is operating shall require the proc-

1       essing for administrative separation of any member  
2       of the Armed Forces described in subsection  
3       (a)(2)(A) in response to the first substantiated violation  
4       by the member of the policy established pursuant  
5       to subsection (a), when the member is not otherwise  
6       punitively discharged or dismissed from the  
7       Armed Forces for that violation.

8               (B) The Secretary of each military department  
9       shall revise regulations applicable to the Armed  
10      Forces under the jurisdiction of the Secretary as  
11       necessary to ensure compliance with the requirement  
12       under subparagraph (A).

13               (2) REQUIRED ELEMENTS.—(A) In imposing  
14       the requirement under paragraph (1), the Secretaries  
15       shall ensure that any separation decision re-  
16       garding a member of the Armed Forces is based on  
17       the full facts of the case and that due process proce-  
18       dures are provided under existing law or regulations  
19       or additionally prescribed, as considered necessary  
20       by the Secretaries, pursuant to subsection (f).

21               (B) The requirement imposed by paragraph (1)  
22       shall not be interpreted to limit or alter the author-  
23       ity of the Secretary of a military department and the  
24       Secretary of the Department in which the Coast

1       Guard is operating to process members of the  
2       Armed Forces for administrative separation—

(B) a nonjudicial punishment authority under section 815 of title 10, United States Code (article 15 of the Uniform Code of Military Justice) has determined that a member has committed an offense in violation of the policy and imposed nonjudicial punishment upon the member.

24 (d) PROPOSED UNIFORM CODE OF MILITARY JUS-  
25 TICE PUNITIVE ARTICLE.—Not later than one year after

1 the date of the enactment of this Act, the Secretary of  
2 Defense shall submit to the Committees on Armed Serv-  
3 ices of the Senate and the House of Representatives—

4                 (1) a proposed amendment to chapter 47 of  
5 title 10, United States Code (the Uniform Code of  
6 Military Justice) to create an additional article  
7 under subchapter X of such chapter regarding viola-  
8 tions of the policy required by subsection (a); and

9                 (2) the conforming changes to part IV, punitive  
10 articles, in the Manual for Courts-Martial that will  
11 be necessary upon adoption of such article.

12 (e) DEFINITIONS.—In this section:

13                 (1) The term “entry-level processing or train-  
14 ing”, with respect to a member of the Armed forces,  
15 means the period beginning on the date on which the  
16 member became a member of the Armed Forces and  
17 ending on the date on which the member physically  
18 arrives at that member’s first duty assignment fol-  
19 lowing completion of initial entry training (or its  
20 equivalent), as defined by the Secretary of the mili-  
21 tary department concerned or the Secretary of the  
22 Department in which the Coast Guard is operating.

23                 (2) The term “prospective member of the  
24 Armed Forces” means a person who has had a face-  
25 to-face meeting with a member of the Armed Forces

1 assigned or attached to duty described in subsection  
2 (a)(3)(A) regarding becoming a member of the  
3 Armed Forces, regardless of whether the person  
4 eventually becomes a member of the Armed Forces.

5 (f) REGULATIONS.—Not later than 180 days after  
6 the date of the enactment of this Act, the Secretary of  
7 Defense and the Secretary of the Department in which  
8 the Coast Guard is operating shall issue such regulations  
9 as may be necessary to carry out this section. The Sec-  
10 retary of Defense shall ensure that, to the extent prac-  
11 ticable, the regulations are uniform for each armed force  
12 under the jurisdiction of that Secretary.

